

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT JAMES BOWDEN,

Plaintiff,

Case No. 1:07-cv-938

v.

Honorable Wendell A. Miles

STANLEY LATRELLE et al.,

Defendants.

ORDER REOPENING CASE

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On October 3, 2007, the Court entered an order of deficiency (docket #2) because Plaintiff had failed to pay the \$350.00 civil action filing fee or to file the documents required by 28 U.S.C. § 1915(a)(2) to apply to proceed *in forma pauperis*. The Court allowed thirty days for Plaintiff to comply. Plaintiff was warned that if he failed to comply, the Court would presume that he was not proceeding *in forma pauperis*, assess the entire filing fee, and dismiss his case for want of prosecution. As the Court records revealed no response from Plaintiff, the Court dismissed Plaintiff's case without prejudice more than thirty days later on November 19, 2007.

The Court has now learned that the filing fee was paid in full on October 5, 2007, but due to a clerical error in the Clerk's Office, the payment was not recorded on the docket sheet

until November 27, 2007. Because Plaintiff's case was dismissed in error, it will be re-opened for further proceedings in this Court. Therefore:

IT IS ORDERED that the Order Dismissing Case entered on November 19, 2007 (Docket No. 4) is hereby VACATED and Plaintiff's action is re-opened for further proceedings.

Dated: November 27, 2007

/s/ Wendell A. Miles
Wendell A. Miles
Senior United States District Judge